

REMARKS

The Examiner's acknowledgment of Applicants claim for foreign priority under 35 U.S.C. §119 and receipt of the certified copy of the priority document is noted with appreciation.

By a paper filed December 31, 2007, a request was made for correction of the published application No. 2007/0166547 published July 19, 2007. That request is repeated here. The application as published has a specification and drawings which relates to pharmaceutical compositions, although the title and claims pertain to the application as filed.

Claims 1 to 21 are pending. Claims 1 to 6 have been amended and new claims 17 to 21 have been added by this amendment.

Claims 1 to 4 were rejected under 35 U.S.C. §112, second paragraph, on the ground that the claims, as written, represent use claims and thus attempts to claim a process without setting forth any steps involved in the process which raises an issue of indefiniteness. Claims 1 to 4 were additionally rejected under 35 U.S.C. §101 on the ground that the claims, as written, represent "use claims" and is thus directed to non-statutory subject matter. In response to these rejections, the claims have been amended to recite a method rather than a use. As amended, claim 1 now recites a method of producing an electrical component constructed of moisture sensitive substances. The dependent claims 2 to 4 have been similarly been amended. It is believed that these amendments overcome the rejections under 35 U.S.C. §§112 and 101 and, therefore, withdrawal of the rejections is respectfully requested.

Claims 1 to 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,281,489 to Mori et al. This rejection is respectfully traversed for the reason that Mori et al. neither show, teach or otherwise suggest the claimed invention.

The object of the disclosed and claimed invention is to eliminate or at least to reduce the moisture sensitivity in electrical components, and especially in organic light emitting diodes (OLEDs). Surprisingly, this is achieved by the use of a layer

composed of hydrophobic, linearly or two-dimensionally polycyclic aromatic having from three to twelve ring structures including metal-containing or metal-free phthalocyanines, which have, as radical groups, —H and/or —F, alkyl groups, aryl groups and/or fluorinated hydrocarbons, as a barrier layer in or as an encapsulation of electrical components constructed with organic layers. This layer can be a functional layer of the electrical component and, unexpectedly, a barrier layer against moisture for protection of the layers below it.

While Mori et al. disclose the use of phthalocyanine in an electroluminescent element, there is no teaching in Mori et al. that this material can be used as both a functional layer of the electroluminescent element and a barrier or encapsulation layer to protect moisture sensitive layers below it. The present invention consists of this layer as a functional layer and simultaneously as a barrier layer introduced between a moisture sensitive functional layer and a layer which is deposited in a wet process with water. Accordingly, the corresponding German patent has been granted with a wording of the claim:

“ . . . said layer is used as a functional layer and simultaneously as barrier layer between at least one moisture sensitive layer and at least one layer which has been deposited by means of water in a wet proceeding step.”

Claim 1 has been amended to recite similar language. Claims 2 to 3 are dependent on claim 1 and are therefore patentable over Mori et al. for the same reason. New claim 17 has been added to cover the case where the layer in question is used as an encapsulation layer of the other layers of the electrical component. Support for this claim is to be found, for example, in the specification as filed in the paragraph bridging pages 12 and 13. New claims 18 to 20 are dependent on claim 17, are similar to claims 2 to 4, and are therefore patentable over Mori et al. for the same reason. Claim 5 is specific to an organic light emitting diode (OLED) and, again, recites that the layer is an encapsulation layer. Claims 7 to 10 are dependent on claim 5 and are therefore patentable over Mori et al. for the same reason as claim 5. Likewise, claims 14, 15 and 16, respectively dependent on claims 7, 8 and 9, are also patentable over

Mori et al. New claim 21 is similar to claim 5 and differs by its recitation of the layer serving as a functional layer of the organic light emitting diode and simultaneously serving as a barrier layer between at least one moisture sensitive organic layer and at least one layer which has been deposited by means of water in a wet processing step.

Claim 6 is directed to an OLED having a certain layer structure and radiating light through the anode since the metallic cathode has been deposited on the substrate. As explained in the specification, this "reverse" structure of the OLED has important advantages and had not before been possible because of the problem of moisture sensitivity when depositing layers needed. All examples in the patent to Mori et al. disclose the usual sequence of the layers where the light has to be emitted through the anode deposited on the substrate so that the light necessarily has to be emitted through the (light transparent) substrate thereby reducing the useful intensity of the light. It is clear that the rejection of claim 6 based on Mori et al. is improper. Similarly, claims 11 to 13 are also patentable over Mori et al.

In view of the foregoing, it respectfully requested that the application be reconsidered, that claims 1 to 21 be allowed, and the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'C. Lamont Whitham', is written in dark ink.

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